

GOAL 5 – COMPLIANCE AND ENVIRONMENTAL STEWARDSHIP RESPONSES TO STATE AND TRIBAL ISSUES

Region 1 Comments

Issue 1: Grant flexibility to use alternative compliance approaches:

EPA's requirements for the use of federal RCRA funds focuses on site-specific inspections of facilities that generate, treat, store and/or dispose of large quantities of hazardous waste. This approach has remained essentially unchanged since the dawn of the RCRA program in the late 1970's, and federal funding levels have remained nominally level over the last decade. Similarly, EPA specifies the frequency with which "major" facilities in other media programs (air, drinking water, NPDES dischargers) should be inspected. Over the last several years, one New England state has found consistently that, while government oversight is still required for these facilities, firms that generate small and moderate quantities of hazardous waste, and air & water pollution, have many more serious compliance problems, and are more likely to pose a significant risk of harm to public health and the environment. This state urges EPA to embrace the use of risk-based and environmental results-based alternative approaches to ensure that polluters of all sizes are minimizing impacts and potential impacts on the environment and complying with regulatory requirements. This should include explicit recognition of state approaches that produce documented environmental results, such as the Massachusetts Environmental Results Program (ERP). Recognition should take the form of allowing reduced levels of inspections for major facilities and explicit credit for approaches that focus compliance efforts on generators of smaller volumes of waste/pollution.

Prevalence for alternative compliance approaches – A majority of our New England states have implemented ERP or ERP-like programs, with some of these funded on a pilot basis by OECA (ME – Tanks ERP, MA – ERPs for Dry Cleaners, Printers and Photo Processors, NH – RCRA Partial Compliance Inspection Program, RI - Tanks ERP, VT – Auto Body ERP). Additionally, this issue is included in the Multi-State Initiative on Common Business Sector Performance Measures, an effort coordinated by the Northeast Waste Management Officials Association (NEWMOA) for the 6 NE states and New York.

Response

The inspection cycles for many of OECA's media inspections at major facilities are dictated by the underlying regulations and guidance. For example, the requirement to annually inspect 100% of the National Pollutant Discharge Elimination System's (NPDES) major facilities is established in 40 CFR 123.26(e)(5) of the Clean Water Act. Over the past several years headquarters has acknowledged that the regions, due to resource constraints, regional initiatives, or competing priorities, need flexibility in completing inspections. Starting in

FY2000, regions were given the option of a 2:1 trade off between NPDES major and minor facilities. In place of one major inspection, regions can conduct 2 minor inspections. Similarly, in the FY05-07 National Program Manager's Guidance there is flexibility in the RCRA program for trading inspections at large quantity generators (LQGs) for small quantity generators (SQGs). A minimum of two SQG inspections for one LQG inspection is recommended. Regarding the comment about the Massachusetts Environmental Results Program, while this program uses performance indicators across a given sector, it still relies on site specific inspections, both random and targeted, to verify compliance and to check on self-certifications. Given the flexibility in the national guidance and the need for inspections in the ERP, there should be no real conflict between the national requirement for site-specific inspections and the ERP program. If a state has alternative compliance methods, when that state is reviewed under the State Review Framework, they can discuss the results of those methods under Element 13.

Issue 1: NYSDEC and NEWMOA have developed a database under EPA grant for use by states in tracking performance measures in pollution prevention and compliance assistance. The relevant targets identified in Goal 5 re: Compliance and Environmental Stewardship should be aligned to the extent possible with these measures, as this is where at least some data to support progress of this goal is likely to come from.

Response:

The development of the Agency's Strategic Plan is a federal requirement of the Government Performance and Results Act (GPRA). As currently written, the targets and measures contained in the draft Strategic Plan capture environmental outcomes achieved through federal resources, and EPA reports out progress on these targets and measures using federal data. However, EPA acknowledges that much work is done at the state level to implement and carry out environmental programs, and uses the Means and Strategies sections of the Strategic Plan to describe the efforts of both EPA and the states to fulfill statutory requirements

Proposed Strategic Targets under Goal 5 Objective 2 are based in large part on the measures developed by the National Pollution Prevention Roundtable's P2 Results Task Force, which NEWMOA Co-Chairs, and the associated data dictionary. Our current plan is that data developed through this database will contribute to the achievement of these Strategic Targets, as will data developed from OPPTS-administered P2 programs including Design for Environment, Green Chemistry Challenge, Green Supplier Network, Hospitals for a Healthy Environment, and Environmentally Preferable Purchasing.

Issue 2: Recommit to institutionalize P2 across EPA:

OPPTS should take steps to develop a vigorous high-level Agency leadership commitment to P2. Developing the commitment should include an Agency-wide P2

vision and a revised P2 strategy consistent with the P2 Act, as well as the institutionalization of more rigorous evaluation practices concerning P2 results. OPPTS should take a management system approach to its P2 activities (e.g., Plan-Do-Check-Act). OPPTS should also use this approach to work with other offices across EPA and the Regions. These efforts should ensure that P2 is incorporated into measurable environmental goals, on-going evaluation is conducted, and outcomes are used to direct future work. Implementation will require action from the Administrator and other senior Agency leaders to oversee the execution of the P2 vision and revised strategy, as well as advocate for that vision and strategy at all levels of the organization. This issue needs to be addressed beyond Goal 5 of the Agency's Strategic Plan and be fully incorporated into Goals 1 – 4.

Potential impact of institutionalizing P2 across EPA: Adopting this recommendation necessitates changes in Goal 1-5, in objectives, sub-objectives, targets, means and strategies.

Prevalence [sic] for institutionalizing P2 across EPA - 1) FOSTTA (a state and tribal advisory committee to OPPTS) members like Jill Cooper (Colorado) and Gary Hunt (North Carolina) expressed support for more integration at their joint meeting with the Multimedia Pollution Prevention Committee (M2P2) and Gary recently asked for another copy of the M2P2 workgroup recommendations on this. 2) The National Pollution Prevention and Toxics Advisory Committee (NPPTAC) is a FACA group that includes state representation, as well as industry and NGOs. The description above is one of the recommendations from their P2 Committee to the Administrator, sent this past June. 3) A summary of a 2004 ECOS recommendation from the *05-27-04 National Pollution Prevention Roundtable*. At their meeting in Hot Springs, Arkansas, (April 18-20), ECOS members adopted a resolution entitled 'Promotion of Pollution Prevention in Partnerships (P4).' The Resolution states: "ECOS calls on EPA to increase and enhance its efforts to promote and institutionalize pollution prevention through funding, research, individual environmental program implementation strategies, and in its overall strategic plan; and Furthermore, EPA cooperate with States, to continue to use the ECOS Cross-Media Committee, M2P2, NPPTAC, NPPR, IAC, CEI and FOSTTA to promote pollution prevention (source reduction) guiding principles throughout all EPA programs; and Furthermore, ECOS, in partnership with EPA, will explore and recommend enhanced strategies to reaffirm that pollution prevention is central and core to the mission and strategic goals of state, regional and national environmental protection programs."

Response:

OPPTS shares this commitment to making that integration happen. We are currently working to try to bring together NPPTAC's recommendations on P2 integration together with the Innovation Action Council's proposal to the Administrator on stewardship. In our view, P2 offers many of the tools of first choice to achieve a vision of environmental stewardship. OPPTS believes that P2 integration can take place effectively within that structure. In addition, OPPTS

also is available to work with other offices to better integrate P2 activities into their goals, projects, and measurement.

Issue 2b: Summary of key Tribal issues and priorities.

- General assistance program for Tribes to continue to build capacity, including solid/hazardous waste implementation.
- Environmental education for Tribal members.
- Pollution prevention - Tribal operations, green buildings.

Potential impact of Tribal issues: Adopting these recommendations may necessitate changes in Goal 5 and program targets, means and targets.

Prevalence for Tribal Issues - These issues have been developed by all Tribes in New England as part of the regional Tribal Strategic Plan.

Response:

AIEO agrees there is a need for the Indian General Assistance Program (GAP) to continue to provide Tribes the ability to build capacity and environmental education of Tribal members, as well as integration of pollution prevention into Tribal operations.

Region 2 Comments

The Haudenosaunee Environmental Task Force (HETF, representing the Onondaga Nation and endorsed by the Tuscarora Nation) commented that the Strategic Plan should reflect Administrator Johnson's reaffirmation of the government-to-government relationships with Nations in the Overview and throughout all Goals. Additionally, HETF suggested that EPA should recognize the jurisdiction and interests of the respective Indian Nations in aboriginal territory (i.e., land claim areas). Other comments from HETF are that tribal grants should limit the required matching funds and should provide flexibility to reallocate grant monies to better meet needs: EPA's budget solicitations should include Tribal Consortia (e.g., HETF) and there needs to be better turnaround time by EPA on award notice and money drawdown.

Comments Specific to Goal 5:

Regarding Indian General Assistance Program, HETF suggests that GAP "2" needs to be designed and funded as an implementation program, going beyond its current mission of capacity building. Also, EPA should fund certification training for Tribal Environmental staff.

Response:

AIEO, with its counterparts in the National programs and Regional offices, works to assure the 1984 Indian Policy, which was reaffirmed by Administrator Johnson in September 2005, is how we conduct our business on a daily basis. This includes, when appropriate, the interests of Indian Nations on lands outside of the boundaries of a federally-recognized reservation. We are currently working on a proposed regulation to provide more flexibility for required Tribal match for performance partnership grants. The Agency has initiated a workgroup to assure we issue grants in a more timely manner. Finally, AIEO continues to work with all partners and stakeholders to strengthen and possibly expand the GAP program; at this time, we are exploring various options, including direct implementation Tribal cooperative agreements (DITCAs).

NY suggests that in light of increasingly tight funding, the priority for more cost effective investment in recognizing and providing incentives for sustainable businesses going beyond minimum compliance, pollution prevention and product stewardship should be part of retooling the base regulatory programs, not just an add-on with no funding (i.e. a separate Goal 5.) This is fundamental to the architecture of the 5 goals.

Response:

OPEI agrees with the comments from several Regions that environmental stewardship strategies and approaches should be reflected in each of the five goals. To the extent practicable, stewardship outcomes should be included in objectives and sub-objectives while stewardship approaches should be incorporated in the means and strategies.

Region 3 Comments

Needs to be stronger link between Goal 1 and Goal 5. Air enforcement supports air quality, would like to see integrated into Goal 1.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision.

Coordination of OPPTS P2 work with other Agency programs and goals occurs through the Office Director's Multi-Media Pollution Prevention (M2P2) Forum, which meets regularly throughout the year to integrate and coordinate EPA P2 activities.

Currently, Goal 2 (mainly the Office of Water) and Goal 5 (mainly the Office of Enforcement and Compliance Assistance) sub-objectives, targets, and measures do not support or compliment one another. There needs to be some common language in Goal 2 and Goal 5.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision. OPPTS proposed Goal 5 Objective 2 Strategic Targets do speak to water conservation issues. Coordination of OPPTS P2 work with other Agency programs and goals occurs through the Office Director's Multi-Media Pollution Prevention (M2P2) Forum, which meets regularly throughout the year to integrate and coordinate EPA P2 activities.

Move Waste Minimization/Pollution Prevention from objective 5.2. to be with Resource Conservation Challenge in sub-objective 3.1.1, Reduce Waste Generation and Increase Recycling, because Waste Minimization/Pollution Prevention is related to Resource Conservation Challenge.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision. Elements of OSWER RCC initiative are co-located with OPPTS P2 programs in Goal 5 Objective 2 (e.g., NPEP).

- Consolidate objective 5.1: Improve Compliance and 5.2: Improve Environmental Performance Through Pollution Prevention and Innovation. If they are not consolidated, the language in these two objectives needs to make more distinctions between these objectives.

Response:

There is a fundamental difference between Objective 5.1: Improve Compliance and Objective 5.2: Improve Environmental Performance Through Pollution Prevention and Innovation. Objective 5.1 focuses on the activities the Agency undertakes to assist the regulated community in reaching and maintaining full compliance with environmental regulations. The Agency's compliance and enforcement programs are designed to ensure that the regulated community fulfills its responsibilities set forth in environmental rules and regulations.

Objective 5.2 contains the activities undertaken by the Agency to increase voluntary and self-directed actions on the part of government, manufacturers, or the public to minimize or eliminate pollution before it is generated (pollution prevention), as well as activities undertaken by the Agency that promote innovative programs and environmental stewardship. The adoption and use of pollution prevention techniques and innovative programs on the part of a government, a manufacturer or the public is voluntary which is distinct from regulatory requirements which are mandatory.

Refer to Goal 5's Means and Strategies sections in the current 2003-2008 Strategic Plan to get a more detailed explanation of the activities covered under each of the above objectives and to find more information on how the Agency actually implements programs and activities to achieve the objectives.

OPPTS concurs with OECA's response above, and is working with OCFO on further improvements to the language of Objective 5.2 that should as well address the request for more distinction between Objectives 5.2 and 5.1.

Region 4 Comments

Incorporating stewardship and pollution prevention into the core media programs may be beneficial to states as OECA moves to adopt the "State Review Framework" and its 13 elements. Currently elements 1 - 12 must be fully met before work related to optional element 13 will be considered. This seems a disincentive to states who need flexibility to work on innovative programs.

Response:

The goals of the State Review Framework are to promote consistent levels of activity in state and regional enforcement programs, consistent oversight of state and regional enforcement programs, and consistent levels of environmental protection across the country. Meeting the goal of consistent enforcement programs across the states and regions does not in anyway preclude the ability of the states to work on innovative programs. OECA has, and will continue to, acknowledge the importance of innovative programs to the compliance and enforcement program.

EPA's Innovation Action Council (IAC) endorsed three priority innovations for "scale-up," (i.e., full scale implementation) and recommended their integration into OECA's National Program Manager's Guidance. These priority innovations are: the National Performance Track Program, Environmental Management Systems (EMS), and the Environmental Results Program (ERP). For the full text on innovative programs in the FY06 OECA NPM Guidance go to www.epa.gov/compliance/resources/policies/data/planning/npmguidance2006.pdf

OPEI agrees with the comments from several Regions that environmental stewardship strategies and approaches should be reflected in each of the five goals. To the extent practicable, stewardship outcomes should be included in objectives and sub-objectives while stewardship approaches should be incorporated in the means and strategies. While stewardship and P2 are cited in the comment, the references to the State Review Framework pertain to OECA.

The major consistent theme among the six States which commented on enforcement issues is to give greater emphasis to compliance assistance, compliance incentives and a variety of innovative approaches to enforcement. These approaches, which are listed below by State, are being used in cooperation with effective basic enforcement programs.

Two of our States specifically requested that Goal 5 be eliminated and the associated activities be incorporated into the remaining 4 goals.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision.

Region 6 Comments

The compliance and enforcement programs and activities in Goal 5 should be integrated with the programs contained in the other four goals. Making this change would allow compliance and enforcement to be more closely linked to the critical functions such as monitoring, inspecting, permitting, rulemaking, and standard setting for each relevant program contained in the other goals. Pollution prevention objectives and activities currently in Goal 5 should also be moved into each of the other goals and relevant programs in a way that makes them an integral element of the strategic approach used to address our environmental challenges. Likewise, environmental stewardship activities in Goal 5 should also become a key ingredient in the other four goals."

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision. OPEI agrees with the comments from several Regions that environmental stewardship strategies and approaches should be reflected in each of the five goals. To the extent practicable, stewardship outcomes should be included in objectives and sub-objectives while stewardship approaches should be incorporated in the means and strategies.

Sub-Objective 5.1.1 (Compliance Assistance) - TCEQ would like to work together with EPA to identify the targets of investigation initiatives with sufficient advance notice that compliance assistance outreach campaigns can be conducted for small businesses and local governmental well before actual investigations begin.

The Strategic Plan also notes that the "Small Business Compliance Policy has recently been modified to encourage greater participation by small businesses." The requirement that notification be provided within 21 days of discovery is still too limiting for many small businesses and local governments. It is difficult to gain this permission in the limited 21-day time frame.

Potential impact to a specific Agency program or activity and its relevant to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objective, sub-objectives, targets)?

Sub-objective 5.1.1 - The first comment is supportive of the current sub-objective. The latter comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.

Response:

Region 6 has correctly characterized Texas' comment, on requiring advance notice in identifying targets of investigations, as not having potential impacts on Goal 5. This is a communication/coordination issue that needs to be worked out between Region 6 and the Texas. Region 6 has also noted that Texas' comment regarding the Small Business Policy would need to be addressed by following up with the appropriate Headquarter's office to change the policy.

Region 7 Comments

Specific to Goal 5: All states strongly believe that enforcement activities should be removed from Goal 5 and placed in their related programs. However, they believed that the Compliance Assistance activities should remain as a function of "Stewardship" in Goal 5. In this same vein, everyone believed that states and tribes should be more clearly recognized as the operating entities that accomplish most of the work in the plan. They further believe that the overall EPA budget should reflect this.

The Tribal representative remarked that the environmental problems encountered by the Tribes were not specifically reflected in the plan. However, he said that the National Tribal Caucus (NTC) did not have specific recommendations at this time. It was merely an observation.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision. We continue to work with the National programs and Regional offices to assure focus on environmental problems encountered by Tribes.

Region 8 Comments

Issue 1:

One DEQ has a small business ombudsman for air quality issues. However, businesses need assistance in all areas of environmental compliance and in pollution prevention.

This DEQ requests assistance in expanding the role of the small business ombudsman to include water quality and place an additional emphasis on pollution prevention. This priority would translate into more direct outreach to small businesses and local governments and result in less pollution of state waters. While some states nationally have expanded the role of the small business ombudsman many, most have not. Many region 8 states would benefit from this expansion of services.

Response:

We appreciate Region 8's recognition of the need to provide small businesses with multi-media compliance and pollution prevention assistance, and strongly support the expansion to provide such services. All U.S. states and territories are required by the CAAA'90 to have Small Business Environmental Assistance Programs (SBEAPs) comprised of three components - a Small Business Ombudsman, a technical assistance program, and a Compliance Advisory Panel (CAP) of legislatively-appointed small business owners. As stated in Region 8's comments, a number of states have expanded to provide multi-media services in recognition of small business needs. However, the majority remain only legally authorized to provide air-related compliance assistance.

The National Steering Committee of the SBEAPs and the National Compliance Advisory Panel are currently collaborating to pursue grassroots support for expansion of all SBEAPs nationwide in an orderly and systematic approach. Although the plans have not yet been finalized, they anticipate implementing a pilot with a small number of state SBEAPs, with incremental application based on success.

The P2 program is working toward improved coordination and joint efforts with the national and regional small business programs through the Environmental Assistance Network (EAN).

Issue 2:

Standardization of Enforcement Actions: State challenges with respect to compliance include standardization of department actions in different regions of the state and between programs; making sure that similar situations are handled in a similar manner regardless of what part of the state they happen in or which division is dealing with the out-of-compliance condition. This issue is complicated by differing geographical boundaries for different programs and differences in federal and state statutes for the different programs. While some of the differences cited above are beyond our control, there are ways for states to deal with many of these challenges on our own. One part of this process is training inspectors to properly document permit violations to improve support for recommended penalties. Increased staff training and coordination is underway to identify standards for recommended compliance actions that to the extent

possible will be common to all programs and office locations. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Standardization of EPA - State enforcement agreements: EPA and states have individual, media-specific enforcement agreements for each program. The agreements describe state commitments for timely and appropriate enforcement actions, however the required type of action and timeframes vary between media programs. One state and EPA conduct enforcement under a Consolidated Cooperative Enforcement Agreement that contains consistent requirements for timely and appropriate enforcement for all programs. State and/or tribal management and tracking of enforcement activities would be easier if states operated under one, consistent set of timely and appropriate criteria. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Response:

The issues raised by Region 8 states pertain to standardization of enforcement actions and state/EPA enforcement agreements. The Agency's Strategic Plan is not the place to address these particular types of issues. The states acknowledge this in their comments. The Means and Strategies section of the Strategic Plan is the place for the Agency to explain how, in conjunction with work done by the states, it will meet the goals, objectives, and sub-objectives of the Strategic Plan. Timely and appropriate response policies are unique to each environmental regulation and may not lend themselves to standardization.

Issue 3:

Tribal General Assistance Program (GAP) Funding: A key tribal priority under Sub-objective 5.3 is to increase funding under GAP to assist tribes in the following areas: It is also important to restructure GAP to allow more flexibility to implement programs. Smaller reservations, in particular, may not ever develop separate programs, but still need a mechanism to perform basic implementation activities. Sub-objective 5.3 should maintain its discussion and targets on improving tribal capacity, and be expanded to address tribal funding issues. This issue affects all tribal programs.

Response:

We agree there are significant unmet tribal capacity building funding needs. EPA will work with Tribes to improve the environment and public health in Indian Country under the General Assistance Program (GAP). GAP also provides flexibility to work with tribes, including small tribes, to build environmental management capacity, assess environmental conditions, measure results, and

implement environmental programs in Indian country. Sub-objective 5-3 continues its focus on various capacity-related components of Tribal programs.

As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information between states and EPA and bring consistency to the data gathered among programs.

Response:

EPA has developed the Central Data Exchange (CDX) to enable fast, efficient, and more accurate environmental data submissions from state and local governments, industry and tribes to the participating program offices. The CDX is the point of entry for the Environmental Exchange Network for environmental submissions to the Agency. The CDX provides states, tribes, and other stakeholders the option of submitting data through one centralized point of access to the Agency. The CDX can accept data in a variety of formats to allow acceptance of stakeholder data submissions in a number of different electronic formats. OECA's development of the Integrated Compliance Information System (ICIS) supports the Agency's initiative for data integration and promotes the exchange of data with our state partners via the National Environmental Information Exchange Network and CDX.

Region 9 Comments

Objective 5.1 Improve Compliance

By 2008, maximize compliance to protect human health and the environment through compliance assistance, compliance incentives, and enforcement by achieving a 5 percent increase in the pounds of pollution reduced, treated, or eliminated, and achieving a 5 percent increase in the number of regulated entities making improvements in environmental management practices. (Baseline to be determined for 2005.)

New Input from Region 9 States/Tribes/Pacific Islands:

Priority 1: Achieve improved environmental compliance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Tools include compliance assistance and incentives, monitoring, and enforcement.

Impact: Probably does not require a change in the architecture.

Geographic scope: Arizona, California, Hawaii, Nevada, Tribes, Pacific Islands

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision.

Sub-objective 5-3:

The following priorities represent input from the Regional Tribal Operations Committee (RTOC) and would probably result in an additional measure/sub-objective in the architecture. The geographic scope is Tribes.

- Priority: By 2011, 100% of Tribes are maintaining Environmental Programs.
- Priority: xxx% of Tribes monitor reservation environments (specific media monitoring programs would be integrated into the appropriate goals).
- Priority: By 2011, increase implementation of environmental programs in Indian Country to 10% of all eligible programs as determined by EPA program delegations, approvals, or primacies issues to tribes and EPA direct implementation.
- Priority: xxx% of Tribes conducting an environmental regulatory system (not necessarily an EPA-approved program).

Response:

The draft strategic plan architecture has three measures which are quite similar to those proposed by the Region 9 TOC.

Region 10 Comments

Enforcement and Compliance is a Tool: Similar to ECOS's comment, the State of Oregon would favor moving the enforcement and compliance elements to the other four existing goals – Air, Water, Land and Healthy Communities and Ecosystems. This revision would link critical compliance and enforcement functions more closely to monitoring, inspecting, permitting; rulemaking and standard setting for each relevant program contained in the other four goals and would provide essential tools for achieving the environmental ends that we seek.

Suggested modification to NSP: Put enforcement & compliance elements in other four goals. Comment provided by: State of Oregon.

Response:

The Agency has decided not to pursue cross-goal program shifts during this revision.

Strengthen regional, state, and tribal planning: This is especially important in Alaska,

where building Tribal capacity must be addressed in concert with unique environmental and governmental situation of Alaska Tribes. (Comment by State of Alaska and Native Village of Savoonga.)

Response:

We will continue to work to improve relations between States and Tribes in all aspects of our work.

Establish balance between man and nature: Need to recognize the importance of achieving the balance between [the] natural environment and what humans create. When the natural environment has been pushed to acceptable limit, we should back off if it pushes back. (Native Village of Togiak.)

Response:

EPA is continuing to emphasize stewardship and sustainability in our work.